

FIFTY-SECOND DAY

(Tuesday, April 21, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"From changing seasons and the restless world, we turn aside, our Father, to remember, 'they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they run and not be weary.' Make us worthy of our glorious heritage, and Thy loving care. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 397

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Government Class of the Normangee High School, Normangee, Leon County, Texas, accompanied by their sponsor, Mr. Herman B. Poteet and by Mr. Claude Roberts; and

Whereas, The presence of these young people is evidence of their interest in better citizenship and governmental affairs. They are seeking

to broaden their knowledge and experience by a visit to the State Capitol and other places of interest in the Capital City; and

Whereas, We are delighted that these fine young American citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed and bearing the official seal of the Senate, be mailed to them in recognition and appreciation of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the students and sponsors to the Members of the Senate.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 795, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 928, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was

referred H. B. No. 714, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Krueger submitted the following reports:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 482, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 330, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 809, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 443, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 861, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 694, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 693, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 939, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

House Bills 795 and 809
Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. Nos 795 and 809 were ordered not printed.

House Bills 482 and 330**Ordered Not Printed**

On motion of Senator Reagan and by unanimous consent H. B. Nos. 482 and 330 were ordered not printed.

House Bill 939 Ordered Not Printed

On motion of Senator Roberts and by unanimous consent H. B. No. 939 was ordered not printed.

Senate Resolution 398

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, a group of students from the Social Studies Department of Goliad Junior High School, Galveston, Texas, accompanied by their teacher, Mrs. Myrtise L. Adams; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Bill 461 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Baker:

S. B. No. 461, A bill to be entitled "An Act creating two Courts of Domestic Relations for Harris County, Texas; fixing their jurisdiction; conforming the jurisdiction of other Courts thereto; fixing their terms; providing the manner of selection,

tenure and compensation of the Judges and other officers of said Courts; providing the manner of and grounds for the removal of the Judges of said Courts; providing for the membership of the Juvenile Board of Harris County; providing for appeals to higher Courts; providing the procedure of said Courts; providing for the services of certain County and District officers to said Courts; containing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Concurrent Resolution 55 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. C. R. No. 55, Granting The Kansas City Southern Railway Company, The Louisiana and Arkansas Railway Company, and The Landa Motor Lines permission to sue the State.

Whereas, Three affiliated corporations contend that they have overpaid the State of Texas in franchise taxes; and

Whereas, These corporations and the amounts they claim have been

paid, in excess of the taxes actually due, are:

The Kansas City Southern Railway Company, a Delaware corporation, \$44,359.50;

The Louisiana and Arkansas Railway Company, a Missouri corporation, \$39,838.67; and

The Landa Motor Lines, a Texas corporation, \$589.75; and

Whereas, These taxpayers are desirous of obtaining refunds from the State for such overpayments of franchise taxes and such relief of any nature to which they may be entitled; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, that the above named corporations, individually and collectively, are hereby granted permission to sue the State of Texas to determine whether or not and in what amount such franchise taxes have been overpaid and to recover judgment against the State of Texas for such amount of taxes as may have been paid in excess of such taxes lawfully due.

The sole purpose of this Resolution is to grant permission to the aforesaid, The Kansas City Southern Railway Company, Louisiana and Arkansas Railway Company and Landa Motor Lines, individually and collectively, to bring suit against the State of Texas and no admission of liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which recovery is sought must be proved in court as in other civil cases.

Service of citation for the purpose herein granted may be had upon the State of Texas by serving the Secretary of State and the Attorney General of the State of Texas.

The facts above stated constitute an emergency and an imperative public necessity that the Constitutional Rule requiring Resolutions to be read on three several days in each house be suspended, and the same is hereby suspended, and that this Resolution shall take effect and be in full force from and after its passage, and it is so enacted.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 56

Senator Smith offered the following resolution:

S. C. R. No. 56, Requesting State Board of Education to study instruction in natural resources and the appreciation and conservation thereof in public schools.

Whereas, The school children of Texas inherit not only the rich historic traditions of their forbears but also abundant natural resources of all kinds; and

Whereas, Teachers in the public schools of Texas have always endeavored to impress upon the minds and hearts of their students the history of this State and such related subjects as the democratic form of government which is their heritage; and

Whereas, The pioneers of Texas not only used such natural features as land, water, minerals, and wildlife for constructive human purposes but also sought to conserve these blessings for us, their successors; and

Whereas, With an ever-growing population and accompanying trends toward industrialization, Texans of the future are not likely to find nature's gifts in such profusion as did their ancestors; and

Whereas, Conservation is a worthy attribute of citizenship for Texans, young and old; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the State Board of Education be requested to study means by which instruction in natural resources and their appreciation and conservation may be incorporated into the curricula of Texas' public elementary and secondary schools—either as part of present course offerings or as new courses; and, be it further

Resolved, That the State Board of Education be requested to submit its report on this topic, including findings, comments, and recommendations, to the 57th Legislature.

SMITH
AIKIN
HARDEMAN
KRUEGER
ROGERS
MOFFETT

The resolution was read.

On motion of Senator Smith and by unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 399

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have with us Henry Alexander Gilstrap, son of Mr. and Mrs. T. W. Gilstrap of Amarillo, and a brother-in-law of Representative Tom James of Dallas; and

Whereas, We desire to utilize the services of this fine young citizen; now, therefore, be it

Resolved, That this young man be appointed as an honorary page of the Senate for today, April 21, 1959.

HAZLEWOOD
PARKHOUSE

The resolution was read and was adopted.

Senate Resolution 400

Senator Owen offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mrs. Edmund C. Lynch, sister of our distinguished colleague from Cameron; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate and that she be extended full privileges of the floor.

OWEN
ROBERTS

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented Mrs. Lynch to the Members of the Senate.

Senate Resolution 401

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have in the gallery Don Smith, Jack

Rodgers, Jane Blanton, Lynn Cannon, and Sue Schoeneck, from the Government Department of Southern Methodist University, Dallas, Texas; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these students and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

PARKHOUSE
HARDEMAN

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the students to the Members of the Senate.

Report of Standing Committee

Senator Bradshaw submitted the following report:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 642, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

House Bill 642 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. B. No. 642 was ordered not printed.

Conference Committee on House Bill 105

Senator Secrest called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 105 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President Pro Tempore announced the appointment of the following Conferees on the part of the Senate on the bill: Senators Secrest, Rogers, Crump, Herring and Moore.

House Bill 504 Re-referred

On motion of Senator Baker and by unanimous consent H. B. No. 504 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

House Bill 714 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 714 was ordered not printed.

House Bill 267 Re-referred

On motion of Senator Krueger and by unanimous consent H. B. No. 267 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Krueger submitted the following report:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 934, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

House Bill 934 Ordered Not Printed

On motion of Senator Moffett and by unanimous consent H. B. No. 934 was ordered not printed.

Observance of San Jacinto Day

On motion of Senator Martin and by unanimous consent, Senator Gonzalez was requested to address the Senate in observance of San Jacinto Day.

Senator Gonzalez then addressed the Senate.

(President in the Chair.)

Editorial Ordered Printed in Senate Journal

On motion of Senator Hardeman and by unanimous consent the following editorial from the Houston Post of this date was ordered printed in the Senate Journal:

Is San Jacinto Spirit Dying? Public Apathy Raises Question

What does the Battle of San Jacinto mean? Its significance seems to be fading in the minds and hearts of Texans, judging from the apparent public indifference to its observance.

More is made over the Alamo massacre. Maybe the slaughter of Travis and his 183 men has more emotional appeal. Besides, the picturesque old Spanish mission where it occurred stands in the business center of San Antonio, where every visitor sees it. Almost twice as many Texans were slaughtered near another Spanish mission at Goliad, amid touching, stirring events. How many books have been written about Goliad?

Those were two of the three major military engagements of the Texas Revolution of 1836. Their principal effects on the revolution were these:

1) They destroyed two of the three small fighting forces to which Texas' hopes of winning the struggle were pinned, leaving only Sam Houston's little band of less than 1,000 untrained volunteers to cope with 6,000 or more Mexican troops.

2) The massacre frightened Texas' civilian population into a wild stampede toward the Louisiana border to escape the invading hordes.

3) They inflated Santa Anna with an over-confidence which, in the final test, proved fatal. And they filled the Texas soldiers with a frenzy to avenge the murders of the Alamo and Goliad defenders, and to save their terror-stricken families and homes from the aggressors. The Mexican mercenary soldados had no such incentive to fight in the showdown.

There was great emotional stress at San Jacinto, too, and in the pitiful "Runaway Scrape" that preceded it. At San Jacinto more men were killed and wounded at smaller cost to their foe than in any other battle recorded in history. And in ultimate effect there is no comparison between San Jacinto and the two other blood baths. Through developments that flowed directly from it, the San Jacinto victory changed the map of America more than any other event since the

American Revolution. It is rated the 16th decisive battle of the world.

The freedom which Texas won here from Mexico led to annexation and the Mexican War of the mid-1840's. Thereby the great West was opened to Anglo-American settlement, for through that war the United States not only kept Texas in the Union, but also acquired nearly a million square miles of land, extending to the Pacific and nearly to Canada on the north.

San Jacinto Day used to be the gala day of patriotism on the Texas calendar, particularly in Houston, the gateway to the battlefield. Now it seems to be dying out, which is a pity. The Houston public schools did not take a holiday last April 21, and are not taking one today, though the children were given a holiday for the Fat Stock Show parade—a most worthy civic enterprise. The school administration has decided to excuse any pupils who wish to attend San Jacinto Day observances. This is considerate.

San Jacinto Day will be whatever the people of Texas want it to be. It is sad to think that the spirit of San Jacinto, which is the mainstem of Texas character, seems to be burning so low that they no longer care to observe the occasion—or do they? Let us hope the spark will yet be rekindled and blaze up into its old-time splendor.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 75, Granting C. F. Anderson and J. D. Holt permission to sue the State of Texas.

H. C. R. No. 91, Suspending the Joint Rules to consider House Bill No. 948.

H. C. R. No. 93, Suspending Joint Rules to consider House Bill No. 727 and House Bill No. 238 on Wednesday and Thursday, April 22 and 23, 1959.

H. C. R. No. 95, Inviting Major General Bernard Schriever to address a Joint Session.

H. B. No. 115, To amend Section 202 of the Election Code of the State of Texas, compiled as Article 13.24

of Vernon's Texas Election Code, so as to require the filing of results of primary election returns with the County Clerk by precincts in a book to be kept by the County Clerk for that purpose; repealing all laws in conflict; and providing for severability.

H. B. No. 121, An Act relating to the authority of local units of government to contract regarding the assessing and collecting of local taxes; amending Section 1, 2, and 2a of Chapter 351, Acts of the Forty-ninth Legislature, 1945, as amended; and declaring an emergency.

H. B. No. 144, An Act amending Article 9.14 of the Texas Business Corporation Act, Chapter 64, Acts, 1955, Fifty-fourth Legislature, by amending Section A thereof, and by amending Section E thereof to provide for the exemption of certain existing corporations from the requirements of the Acts relating to name and minimum consideration to be received for issuance of shares before commencing business, and by adding a new Section F providing for the filing of a statement designating a registered office and registered agent by certain existing corporations; containing a partial invalidity clause; and declaring an emergency.

H. B. No. 167, A bill to be entitled "An Act authorizing the holding of joint elections for members of the county board of school trustees and governing bodies of school districts and college districts; providing procedures for such joint elections; and declaring an emergency."

H. B. No. 245, Amending Subsection 8 (a) of Chapter 88, Acts, Second Called Session, Forty-first Legislature as amended by Acts, 1941, Regular Session, Forty-seventh Legislature, as amended by Acts, 1955, Regular Session, Fifty-fourth Legislature, Chapter 102, being Article 6675a-8a, Revised Civil Statutes of the State of Texas, as amended, prescribing the annual license fees of motor buses and declaring an emergency.

H. B. No. 320, A bill to be entitled "An Act making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess, any game bird or game animal in Williamson County at any time; to take, kill or

trap or attempt to take, kill or trap any fur-bearing animal in said county or to take or attempt to take any fish or other aquatic life or marine animals from said county by any means or method; providing the powers, duties and authority of the Game and Fish Commission; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wild-life resources of said county; etc., and declaring an emergency."

H. B. No. 344, An Act relating to the requirement of performance and payment bonds by public contractors and claims and liens thereunder for materials and labor; amending Article 5160 of the Revised Civil Statutes of Texas, 1925; and Section 1, Chapter 17, Acts of the Thirty-ninth Legislature, 1925; repealing Articles 5161, 5162, 5163 and 5164 of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.

H. B. No. 375, A bill to be entitled "An Act to amend Section 121 Article 6701d of the Revised Civil Statutes of 1947 regulating the lighting of a vehicle parked or stopped upon a roadway or shoulder adjacent thereto; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 522, A bill to be entitled "An Act repealing Chapter 357, Acts of the 55th Legislature, Regular Session, 1957, setting the quail season in Dickens County; and declaring an emergency."

H. B. No. 591, An Act applicable to any two (2) adjacent counties each having a population of three hundred fifty thousand (350,000) or more according to the last preceding Federal Census; providing for the appointment of a Joint Board of Park Commissioners; setting forth their duties and powers; etc.; and declaring an emergency.

H. B. No. 697, A bill to be entitled "An Act regulating the transportation of minnows out of Burleson County, Texas; providing a penalty; and declaring an emergency."

H. B. No. 721, A bill to be entitled "An Act making it unlawful to hunt, take or kill wild turkey in Austin and Colorado Counties for a period of two (2) years; providing penalties; and declaring an emergency."

H. B. No. 854, A bill to be entitled "An Act making it unlawful to kill, or attempt to kill, wild turkey or trap or molest same in DeWitt County for a period of Five (5) years; providing a penalty; and repealing all conflicting laws; and declaring an emergency."

H. B. No. 544, An Act amending Section 1 of Chapter 26, Forty-first Legislature, Fourth Called Session, 1930, House Bill No. 38, so as to alter the territorial limits of Donna Irrigation District Hidalgo County No. 1, by detaching and excluding therefrom that part comprising the City of Donna, Hidalgo County, Texas, and setting out a corrected description of said District by including lands heretofore added to said District since its formation; etc.; and declaring an emergency.

Senate Resolution 402

Senator Crump offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior History Class of Bertram High School, Burnet County, Texas, accompanied by their teacher and superintendent, Mr. O. R. Scott; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Crump by unanimous consent presented the students and Mr. Scott to the Members of the Senate.

Senate Resolution 403

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Civics Classes from Stephen F. Austin High School in Austin, Travis

County, Texas, accompanied by their teachers, Mr. Watford, Mr. Johnson, Miss Nesmith and Mrs. Dillard; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to their classes in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teachers to the Members of the Senate.

Senate Resolution 404

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 7th and 8th grades from Lingleville School of Stephenville, Texas, accompanied by their teacher, Mrs. C. C. Jewell; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and Mrs. Jewell to the Members of the Senate.

Senate Resolution 405

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Government Class of El Campo High School, accompanied by their teacher, Charles S. Kling; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the students and their teacher to the Members of the Senate.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 267, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 461, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 504, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 55, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 874, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Announcement

Senator Roberts announced to the Senate that former Senator Wallace Hughston of McKinney had passed away this morning. By unanimous consent Senator Roberts requested the President to appoint a committee to draft a telegram of condolence to the family.

Accordingly, the President announced the appointment of the following committee: Senators Roberts, Aikin and Moffett.

House Bills 693, 694 and 928 Ordered Not Printed

On motion of Senator Hardeman

and by unanimous consent H. B. Nos. 693, 694 and 928 were ordered not printed.

House Bills 443 and 861 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. Nos. 443 and 861 were ordered not printed.

House Bill 504 Ordered Not Printed

On motion of Senator Baker and by unanimous consent H. B. No. 504 was ordered not printed.

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. C. R. No. 51, Congratulating Mrs. DeWitt Bowmer for being named "Texas Mother of the Year."

S. B. No. 109, A bill to be entitled "An Act amending subparagraphs (d) of paragraph (1) of Section 1, Article 3.50, subchapter E, of Senate Bill No. 236, Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by House Bill 123, Chapter 146, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to provide that the limitations thereof as to amounts of insurance on any employee shall not apply to amounts of insurance issued on other than the term plan in connection with a pension plan which amounts do not exceed the amounts required at normal retirement date to provide the pension specified by the plan."

S. B. No. 134, A bill to be entitled "An Act amending subsection 5(b) of Section 10, Senate Bill 290, Chapter 530, Acts 54th Legislature (Codified as Article 2922-1 of Vernon's Annotated Civil Statutes of Texas) to provide a Three (\$3.00) Dollar annual membership fee for each member of the Teacher Retirement System, providing a severability clause, and declaring an emergency."

S. B. No. 150, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to donate, transfer, and convey certain plots of land situated in Randall County to the State of Texas for the use and benefit of West Texas State College."

S. B. No. 160, A bill to be entitled "An Act authorizing the Commissioners Court of Travis County, Texas, to pay the District Judges of the 53rd Judicial District, 98th Judicial District, 126th Judicial District, and the Criminal District Court of Travis County, respectively, compensation in addition to the compensation paid by the State of Texas; making other provisions relating thereto; making provisions for compensation of Judges assigned to sit for the Judges of said courts; providing for severability; and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act amending Article 21.43 of Chapter 21 of the Texas Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491) by retaining the present provisions thereof and adding thereto a paragraph providing that no foreign or alien insurance corporation shall be refused a license to do business within this State on the ground that all of its authorized capital stock has not been fully subscribed and paid for; providing that the prescribed minimum capital stock shall have been subscribed and paid; providing that any such corporation shall have the required minimum surplus; etc.; and declaring an emergency."

S. B. No. 250, A bill to be entitled "An Act authorizing the Board of Trustees, of all school districts, under certain circumstances, to insure students training for or participating in interschool athletic competition for bodily injuries sustained by said students by reason thereof; providing for the payment of premiums for said insurance; providing that said insurance shall be written on forms approved by the Insurance Commission of Texas and declaring the costs of said insurance to be a legitimate part of the total costs of the athletic programs of the school district of the state; and declaring an emergency."

S. B. No. 283, A bill to be entitled "An Act amending Section 1 of Chapter 36, Acts of the 51st Legislature, First Called Session, 1950 (compiled as Article 978n-1 of Vernon's Texas Penal Code), to bring the Counties of Hale, Floyd, Bailey and Lamb within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

S. B. No. 291, A bill to be entitled "An Act authorizing Wichita County Water Control & Improvement Dis-

trict No. 1 to extend its boundaries to include the total area of a city or town when the total area of such city or town, or a portion thereof, is included within the boundaries of the district; providing for notice of hearing on the question of annexation; and declaring an emergency."

S. B. No. 311, A bill to be entitled "An Act providing that printed copies of schedules, classifications and tariffs of rates, fares and charges, and supplements thereto, filed with the Interstate Commerce Commission or the Railroad Commission of Texas, may be received in evidence without certification and shall be presumed to be correct copies of the originals; prescribing conditions; and declaring an emergency."

S. B. No. 126, A bill to be entitled "An Act providing that the Attorney General shall be a necessary party to certain Judicial proceedings, settlements and compromise agreements affecting charitable trust, and authorizing settlements with or without the intervention of a court; excepting pending suits from the operation of the Act; providing for severability; and declaring an emergency."

S. B. No. 142, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise certain properties in the City of Austin, Travis County, Texas; conferring upon the Board of Regents the power of eminent domain to acquire land for the use of the University; exempting the Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency."

S. B. No. 329, A bill to be entitled "An Act repealing Sec. 4A of Chapter 255, Acts of the 42nd Legislature, 1931 (compiled as Art. 2615b of Vernon's Texas Civil Statutes), relating to the organization and establishment of a Nautical School; and declaring an emergency."

S. B. No. 166, A bill to be entitled "An Act changing the name of the Texas State Cancer Hospital created by Acts, 47th Legislature, 1941, page 878, Chapter 548 (Art. 2603e, V.C.S.), and M. D. Anderson Hospital for cancer research created by Acts, 50th Legislature, 1947, page 509, Chapter 300 (Art. 2603f, V.C.S.), to 'The University of Texas M. D. Anderson

Hospital and Tumor Institute'; etc.; and declaring an emergency."

Senate Bill 277 on Second Reading

Senator Hazlewood moved to suspend the regular order of business and take up S. B. No. 277 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Phillips
Dies	Reagan
Fly	Roberts
Fuller	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Wood

Nays—6

Gonzalez	Parkhouse
Hardeman	Ratliff
Hudson	Willis

Absent

Moore

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 277, A bill to be entitled "An Act setting up health standards for milk produced outside the State of Texas and imported to points within; and requiring that persons authorizing the importation of such milk certify that such milk is produced under equivalent standards for the production of milk in Texas; providing for penalties; and declaring an emergency."

The bill was read the second time.

Senator Hazlewood offered the following Committee Amendment to the bill:

Amend Senate Bill No. 277 by adding a new section to read as follows:

"2. The Texas State Health Department is hereby authorized to require the payment of a reasonable fee for any inspection required or made in the enforcement of this Act, such fee to be levied against the foreign pro-

ducer or carrier receiving a permit or other authority for the importation of fluid milk under this Act." and renumber the succeeding sections.

The Committee Amendment was read.

Senator Hazlewood offered the following substitute for the Committee Amendment:

Amend Senate Bill 277 by adding a new section to be numbered "2a," which shall read as follows:

"2a. The enforcement of the provisions of this Act shall be the responsibility of the Texas State Department of Health, which Department is hereby charged with the duty of enforcing the provisions of this Act. Said Department is hereby authorized to require the payment of a reasonable fee for any inspection required or made in the enforcement of this Act, such fee to be levied against the foreign producer or carrier receiving a permit or other authority for the importation of fluid milk under this Act. The Texas State Department of Health shall upon receiving application from a foreign producer or carrier desiring a permit or other authority for the importation of milk, make, or cause to be made, by personnel under its jurisdiction, the necessary inspections to determine that full compliance is being made with all standards, rules, regulations, and statutes governing production of milk in the State of Texas; and in the event it finds such compliance is being made by said applicant, it shall issue a permit to such applicant upon receipt of the prescribed fee."

The substitute for the Committee Amendment was adopted.

The Committee Amendment as substituted was then adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill 277 by striking out the remainder of the sentence in Line 41 beginning with "under conditions," by striking out all of Lines 42 and 43, and that portion of Line 44 that ends with the word "State," and substituting therefor the following language:

"in accordance with standards, rules, regulations, and statutes gov-

erning production of milk in the State of Texas;"

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. 277, by the following language at the end of Section One:

"Nothing herein shall be construed as requiring any more frequent inspection of foreign dairy farms or loads of foreign milk than is made on Texas Dairy Farms or loads of milk from such farms."

The amendment was adopted.

Senator Gonzalez offered the following amendment to the bill:

Amend S. B. 277 by deleting the word "personal" on line 55, Section 2.

The amendment was read.

Question—Shall the amendment by Senator Gonzalez to S. B. No. 277 be adopted?

Recess

On motion of Senator Hardeman the Senate at 12:08 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The Presiding Officer (Senator Martin in the Chair) called the Senate to order at 2:00 o'clock p.m. today.

Senate Bill 277 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 277 on its second reading with an amendment by Senator Gonzalez pending.

Question—Shall the amendment by Senator Gonzalez to S. B. No. 277 be adopted?

On motion of Senator Gonzalez and by unanimous consent the pending amendment was withdrawn.

Senator Gonzalez offered the following amendment to the bill:

Amend Senate Bill 277 by adding the following language at the end of Section 2 thereof, which shall read as follows:

," but it shall not be a violation of

the provisions of this Section for any such person, officer, or inspector, etc., to make such authorization, permit, or certification, if the same is based upon the personal knowledge of any other person, officer, or inspector who is authorized by this State or any municipality thereof to make such authorizations or certifications, or to issue such permits."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 277, Sec. 1, by striking the words "any milk" in line 40 and the words "any fluid milk" in line 46 of the printed bill and inserting in lieu in each instance the words "Grade A raw milk for pasteurization."

The amendment was adopted.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Parkhouse, Hudson and Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 277 to engrossment.

Senate Bill 277 on Third reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 277 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Owen
Dies	Phillips
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood

Nays—4

Hardeman Ratliff
Parkhouse Willis

Absent

Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Hudson, Parkhouse, Ratliff and Willis asked to be recorded as voting "Nay" on the final passage of S. B. No. 277.

Senate Bill 387 on Second Reading

Senator Roberts asked unanimous consent to suspend the regular order of business and take up S. B. No. 387 for consideration at this time.

There was objection.

Senator Roberts then moved to suspend the regular order of business and take up S. B. No. 387 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin Moffett
Bradshaw Owen
Crump Parkhouse
Fly Phillips
Fuller Ratliff
Gonzalez Reagan
Hardeman Roberts
Hazlewood Rogers
Herring Secrest
Hudson Willis
Martin Wood

Nays—6

Baker Krueger
Colson Lane
Dies Smith

Absent

Kazen Weinert
Moore

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 387, A bill to be entitled

"An Act amending Sections 1 and 2, Chapter 186, Acts of the 44th Legislature, Regular Session, 1935, which is codified as Article 1370a in Vernon's Texas Penal Code, prohibiting the running at large of livestock on designated highways; providing immunity from liability for injuring unattended animals on designated highways, except for gross negligence or willful intent; providing certain exceptions; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment by the following vote:

Yeas—23

Aikin Owen
Bradshaw Parkhouse
Crump Phillips
Fly Ratliff
Fuller Reagan
Gonzalez Roberts
Hardeman Rogers
Hazlewood Secrest
Herring Weinert
Hudson Willis
Martin Wood
Moffett

Nays—7

Baker Lane
Colson Moore
Dies Smith
Krueger

Absent

Kazen

Senate Bill 387 on Third Reading

Senator Roberts moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 387 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin Martin
Bradshaw Moffett
Crump Moore
Fly Owen
Fuller Parkhouse
Gonzalez Phillips
Hardeman Ratliff
Hazlewood Reagan
Herring Roberts
Hudson Rogers
Kazen Secrest

Weinert
Willis

Wood

Nays—6

Baker
Colson
Dies

Krueger
Lane
Smith

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Krueger, Colson, Dies, Lane and Kazen asked to be recorded as voting "Nay" on the final passage of S. B. No. 387.

(President in the Chair.)

Senate Bill 462 on First Reading

Senator Owen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Owen:

S. B. No. 462, A bill to be entitled "An Act to provide for an emergency created by the infestation of Khapra Beetle in stored grain in counties of El Paso, Hudspeth and possibly other surrounding counties; providing that since this infestation is of a nature

which is extremely serious to the grain industry, the Texas Department of Agriculture is hereby provided funds to combat this infestation; providing for severability; and declaring an emergency."

To the Committee on Finance.

Motion to Place

Senate Bill 5 on Second Reading

Senator Aikin asked unanimous consent to suspend the regular order of business and take up S. B. No. 5 for consideration at this time.

There was objection.

Senator Aikin then moved to suspend the regular order of business and take up S. B. No. 5 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—16

Aikin	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Kazen	Smith
Krueger	Willis
Lane	Wood

Nays—15

Baker	Martin
Bradshaw	Moffett
Crump	Moore
Dies	Owen
Hardeman	Roberts
Hazlewood	Secrest
Herring	Weinert
Hudson	

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

H. B. No. 8, An Act to amend Article 2618 of the Revised Civil Statutes of 1925 of the State of Texas, as amended, so as to provide for a four-year college at Tarleton State College; prescribing courses of study; providing an operative date; and declaring an emergency.

H. B. No. 9, A bill to be entitled "An Act authorizing and directing the Board of Regents of the Univer-

city of Texas to establish a Medical Branch or Department of The University of Texas within the County of Bexar, State of Texas, to be known as The South Texas Medical School; etc., and declaring an emergency."

Reports of Standing Committees

Senator Weinert by unanimous consent submitted the following reports:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 868, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 218, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 454, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 447, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that

it do pass with Committee Amendments and be printed.

WEINERT, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 703, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 27, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 302, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that Senate Committee Substitute, attached hereto, do pass in lieu thereof, and be printed.

WEINERT, Chairman.

C. S. S. B. No. 302 was read first time.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
April 21, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 648, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

House Bill 648 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent H. B. No. 648 was ordered not printed.

Senate Bill 310 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its Second Reading and passage to engrossment:

S. B. No. 310, A bill to be entitled "An Act to amend Chapter 125, Acts of the Forty-fifth Legislature, 1937, as amended (codified as Article 6243e, Vernon's Annotated Civil Statutes), by adding thereto a new section to be numbered Section 10C, making participation in Firemen's Relief and Retirement Funds compulsory for firemen who were participating therein on July 22, 1957; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 310 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 310 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Vote Recorded on Senate Bill 5

On motion of Senator Rogers and by unanimous consent he will be shown as voting "Yea" on the motion to suspend the regular order of business on S. B. No. 5 today.

Senate Bill 447 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent S. B. No. 447 was ordered not printed.

House Bill 868 Ordered Not Printed

On motion of Senator Martin and by unanimous consent H. B. No. 868 was ordered not printed.

Senate Bill 265 on Second Reading

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment.

S. B. No. 265, A bill to be entitled "An Act to amend Article 1.10, Texas Insurance Code, to authorize the State Board of Insurance to obtain an injunction in the District Court of Travis County, Texas, against any unlicensed corporation, association, partnership, company, firm or person to prevent the violation of any of the Texas insurance laws; providing for severability; making the Act cumulative; and declaring an emergency."

The bill was read second time.

Senator Fly offered the following amendment to the bill:

Amend Senate Bill 265 by changing the period at the end of Section 1 to

a semi-colon and adding thereafter the following:

"Provided, however, this provision shall not apply to insurance companies, associations or agents that have held a valid license, certificate of authority, or permit granted or issued by the State Board of Insurance or the Commissioner of Insurance of the State of Texas, if the right to or application for the extension, renewal or annual re-issuance, revocation, or cancellation thereof is pending, either before the Commissioner of Insurance, the State Board of Insurance, or a court of competent jurisdiction."

The amendment was adopted.

On motion of Senator Roberts and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 265 on Third Reading

Senator Roberts moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 265 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Baker
-------	-------

Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Senate Bill 32 on Second Reading

Senator Moffett asked unanimous consent to suspend the regular order of business and take up S. B. No. 32 for consideration at this time.

There was objection.

Senator Moffett then moved to suspend the regular order of business and take up S. B. No. 32 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Kazen	Secrest
Krueger	Weinert
Lane	Willis
Martin	

Nays—5

Aikin	Hudson
Fly	Wood
Hardeman	

Absent

Smith

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 32, A bill to be entitled "An Act relating to the enrichment of corn meal and corn grits by the addition of certain vitamins and minerals thereto; providing a penalty for

violations; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following Committee Amendment to the bill:

Amend S. B. No. 32 by adding a subsection (d) to Sec. 7 to read as follows:

(d) This Act shall not apply to the sale or use for human consumption of corn meal or corn flour commonly known as "Masa" which is used in the preparation of Mexican food such as tortillas and tamales.

The Committee Amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 32 by inserting in line 36, page 2 printed bill, the following words "or in money."

The amendment was adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 32 on Third Reading

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Kazen	Secrest
Krueger	Weinert
Lane	Willis
Martin	

Nays—5

Aikin	Fly
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Hardeman
Hudson

Wood

Absent

Herring
Moore

Smith

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 32.

House Bill 218 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 218 was ordered not printed.

Senate Bill 378 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 378, A bill to be entitled "An Act amending portions of the Veterinary Licensing Act (Chapter 342, Acts of the 53rd Legislature, 1953, codified as Article 7465a of Vernon's Texas Civil Statutes); amending Section 8 to redefine the authority of the State Board of Veterinary Medical Examiners to adopt rules of professional conduct for the profession of veterinary medicine, and the procedure therefor; etc.; and declaring an emergency."

The bill was read second time.

Senator Bradshaw offered the following amendment to the bill:

Amend S. B. 378 by adding another sentence at the end of Section 1, line 41, to read as follows:

"Provided, however, that all such rules and regulations shall not be effective until they are approved by the Attorney General of this State, and filed with the Secretary of the State of Texas."

The amendment was adopted.

On motion of Senator Rogers and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 378 on Third Reading

Senator Rogers moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Moore

Absent

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Moore offered the following amendment to the bill:

Amend Senate Bill No. 378 by adding thereto a new Section to be numbered and read as follows:

"Section 1a. Section 13 of Veterinary Licensing Act is hereby amended to read as follows:

"Sec. 13. Licenses shall expire March 1st of each calendar year, and any licensee may renew his license on or before March 1st by making written application to the Board setting forth such facts as the Board may require, and by paying the required fee. Any person whose license expires, or has expired prior to the effective date of this Act, may, in the discretion of the Board, renew his license by making written application to the Board setting forth such facts as the

Board may require, and by payment of annual renewal fees in arrears and an additional fee of five dollars (\$5.00), provided, however, that the requirements governing the payment of the annual renewal fee and the penalty for late renewal shall not apply to licensees who are on active duty with the Armed Forces of the United States of America, or those employed by municipal, county, state or Federal government and who are not engaged in private or civilian practice."

The amendment was adopted by the following vote:

Yeas—26

Aikin	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Martin	Wood

Nays—1

Willis

Absent

Baker	Hazlewood
Fuller	Lane

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 378, Sec. 1, by striking out all of the sentence beginning with the word "Prior" in line 35, and ending with the word "therein" on line 41.

The amendment was adopted by the following vote:

Yeas—28

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Moore
Dies	Owen
Fly	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers

Secrest
Smith

Weinert
Wood

Nays—1

Willis

Absent

Fuller

Hazlewood

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was then finally passed.

Conference Committee on House Concurrent Resolution 24

Senator Willis called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. C. R. No. 24 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the resolution: Senators Hardeman, Weinert, Lane, Martin and Ratliff.

Motion to Place Senate Bill 84 on Second Reading

Senator Baker asked unanimous consent to suspend the regular order of business and take up S. B. No. 84 for consideration at this time.

There was objection.

Senator Baker then moved to suspend the regular order of business and take up S. B. No. 84 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—16

Aikin
Baker
Colson
Crump
Fly
Fuller
Hardeman
Herring

Hudson
Krueger
Moffett
Parkhouse
Ratliff
Reagan
Smith
Wood

Nays—12

Gonzalez
Hazlewood
Kazen
Lane
Martin
Moore

Owen
Phillips
Roberts
Rogers
Weinert
Willis

Absent

Bradshaw
Dies

Secrest

Senate Joint Resolution 12 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 12, Proposing an amendment to the Constitution of Texas by adding to Article V a new section to be known as Section 18-a giving the Commissioners Court in all counties with less than twenty thousand (20,000) population authority to call an election on question of retention or abolition of the office of constable in such county.

The resolution was read second time and passed to engrossment.

Record of Vote

Senator Herring asked to be recorded as voting "Nay" on the passage of S. J. R. No. 12 to engrossment.

Motion to Place Senate Joint Resolution 12 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 12 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—22

Aikin
Bradshaw
Dies
Fly
Fuller
Gonzalez
Hardeman
Hudson

Kazen
Krueger
Lane
Martin
Moore
Owen
Parkhouse
Ratliff

Reagan	Smith
Roberts	Weinert
Secrest	Wood

Nays—6

Colson	Phillips
Crump	Rogers
Herring	Willis

Absent

Baker	Moffett
Hazlewood	

Senate Resolution 406

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Raymond Cheves of San Antonio; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Mr. Cheves to the Members of the Senate.

Senate Joint Resolution 12
on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Baker	Owen
Bradshaw	Parkhouse
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—3

Colson	Phillips
Crump	

Absent

Fuller	Moore
Hazlewood	Rogers
Moffett	

The President then laid the following resolution before the Senate on its third reading and final passage.

S. J. R. No. 12, Proposing an amendment to the Constitution of Texas by adding to Article V a new section to be known as Section 18-a giving the Commissioners Court in all counties with less than twenty thousand (20,000) population authority to call an election on question of retention or abolition of the office of constable in such county.

The resolution was read third time and was passed by the following vote:

Yeas—21

Aikin	Owen
Baker	Parkhouse
Bradshaw	Ratliff
Dies	Reagan
Fly	Roberts
Gonzalez	Secrest
Hardeman	Smith
Herring	Weinert
Hudson	Willis
Kazen	Wood
Lane	

Nays—4

Colson	Krueger
Crump	Phillips

Absent

Fuller	Moffett
Hazlewood	Moore
Martin	Rogers

Adjournment

On motion of Senator Hardeman the Senate at 4:20 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FIFTY-THIRD DAY

(Wednesday, April 22, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.